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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,659	10/29/2001	Kevin I. Bertness	C382.12-0105	3728

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EXAMINER

TOATLEY, GREGORY J

ART UNIT	PAPER NUMBER
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2836

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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10/046,689

EXAMINER

ART UNIT

PAPER

082504

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Commissioner for Patents

**WITH REGARD TO THE FILING OF THE INFORMATION DISCLOSURE STATEMENTS AFTER THE NOTICE OF ALLOWANCE**

1. The information disclosure statement filed January 15, 2004 fails to comply with 37 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e) and because it lacks the fee set forth in 37 CFR 1.17(p). It has been placed in the application file, but the information referred to therein has not been considered.
2. Applicant's information disclosure statement of April 23, 2004 was filed after the issue fee was paid (paid February 23, 2004). Information disclosure statements filed after payment of the issue fee will not be considered, but will be placed in the file. However, the application may be withdrawn from issue in order to file a request for continued examination (RCE) under 37 CFR 1.114 upon the grant of a petition under 37 CFR 1.313(c)(2), or a continuing application under 37 CFR 1.53(b) (or a continued prosecution application (CPA) under 37 CFR 1.53(d) if the CPA is for a design patent and the prior application of the CPA is a design application) upon the grant of a petition filed under the provisions of 37 CFR 1.313(c)(3). Alternatively, the other provisions of 37 CFR 1.313 may apply, e.g., a petition to withdraw the application from issue under the provisions of 37 CFR 1.313(c)(1) may be filed together with an unequivocal statement by the applicant that one or more claims are unpatentable over the information contained in the statement. The information disclosure statement would then be considered upon withdrawal of the application from issue under 37 CFR 1.313(c)(1).

Gregory J. Poatley, Jr.  
SPE  
Art Unit: 2877